

REMARKS

Claims 1-20 are currently pending. The Examiner has again rejected Claims 1-20 under 35 USC §102(e) as being anticipated by the West patent. For the reasons set forth below, Applicants respectfully submit that Claims 1-20, as amended herein, are patentable over the cited prior art.

The present invention teaches and claims a system and method for multicasting a user retrieval request/query to a plurality of mobile retrieval agents for information gathering. Based on the user-entered retrieval request and preferential destination information, a list is dynamically created comprising more than one mobile agent as destinations for the request. The user does not specify a single destination, but issues a request with preferential destination information and the system/method performs the determination of to which mobile agents the retrieval request should be sent and performs the multicasting of the retrieval request to the determined destinations for those mobile agents to respond to the retrieval request. The claim language has been amended to expressly recite the step of "dynamically creating a list" as is clearly taught by the present Specification (for example at page 18, lines 18).

Under the present invention, the user does not specify the destination (i.e., the identity or the address of the recipient of the retrieval request) or a plurality of pre-registered

JA998-075

subscriber destinations (e.g., the West rings of trust). Sending a request to a mobile agent is not simply communicating a message to a recipient destination. Clearly when Applicants are teaching and claiming determining mobile agents to receive retrieval requests, Applicants are not simply referring to fixed addresses at which to deliver messages. Since mobile request handling agents are to be receiving the requests, it would not be realistic to provide fixed destination addresses for the recipient agents. Rather, the user inputs the message and preferential destination information. The present system then uses the preferential destination information to determine mobile agents which should receive the retrieval request for responding to same. In addition, the present invention can use message policy information when determining the mobile agents that will receive the requests, thereby allowing agent priority considerations to be factored into the determination.

In contrast, the West patent is directed to a method and system for choosing a communication access method and access number for a remote computer to access a single identified destination, either a single specific local computer or a single specific local area network (Col. 24, line 53) in a first embodiment, or to deliver a message to a message module representing a predetermined group of registered subscribers (Col. 25, lines 14-16) in a second embodiment. West discloses software for determining an access path and the cost of accessing

JA998-075

along the path in order to connect one computer to an identified destination(s) in the least expensive manner.

The West patent is not directed to multicasting a retrieval request to mobile request handling agents for responding to the retrieval request. Rather, West seeks only to connect one user computer 100 to one user-specified destination 110 in the first embodiment and to deliver one message from a user computer 100 to a delivery module representing a plurality of preregistered subscribers in the second embodiment. In both embodiments, the user in the West system does not enter preferential destination information for multicasting a retrieval request to a plurality of destinations/agents which are unknown to the user. Rather, the West user simply identifies the exact destination(s) or the exact ring of trusted preregistered recipients and the West software determines the best and cheapest way to connect the user computer to that exact single destination in the first embodiment and the best and cheapest way to deliver the message to a message delivery module accessible by registered users in the second embodiment.

In the first West embodiment wherein one user computer 100 is being connected to one destination computer 110, exact identification and/or address information is provided by the user. Applicants refer the Examiner's attention to the teachings found in Column 6, lines 8-11 wherein it is expressly taught that the user enters "calling to" information to identify the

JA998-075

//

destination computer to which the user wishes to be connected. There are no passages in West which either teach or suggest that a user be connected to a destination which is not expressly identified by the user. The West system evaluates different paths and access providers for establishing the connection between the user at 100 and the destination at 110, but the destination is definitive as specified by the user and cannot be changed or "selected" by the system. West evaluates and selects access paths/providers but does not evaluate and select mobile agent destinations. Clearly the teachings of West wherein the user specifies the address for the recipient do not anticipate the invention as claimed.

Furthermore, with regard to the West embodiment wherein messages are provided from a message user 1805 to multiple message recipients, Applicants note that the message recipients are preregistered with the system (see: Col. 25, lines 14-16). Therefore, the recipients (or destinations) are known to the system. While a user does not have to specify the address of each recipient, the recipients are known destinations which are registered with the system and are not destinations which are dynamically determined by the system based on preferential destination information supplied by the user with a retrieval request and/or based on a messaging policy. West teaches that messages will be published to "appropriate recipients" based on so-called "message characteristics" (see: Col. 23, line 55-Col. JA998-075

6, line 3). Those message characteristics include recipient characteristics (i.e., subscription information) as well as predefined content classes (see: Col. 24, lines 10-18) which are specified by the user. In other words, the user of the West system who wishes to send a message will select a predefined characteristic, such as "accounting message" (see: Col. 24, lines 22-26). The West system then matches the message characteristic with the subscription information (Col. 24, lines 43-47) and delivers the accounting message to all subscribers who are registered to receive accounting messages. West does not, however, dynamically assemble a list of mobile request handling agent destinations. West simply accesses a predetermined registration list of destinations. Moreover, West does not utilize user destination preference information for which mobile agents will receive a retrieval request. West simply matches the user-selected predefined characteristic (e.g., accounting message) to the stored list. In addition, the West delivery of content-specified messages to content-registered subscribers is not the same as or suggestive of the claimed sending of retrieval requests to mobile request handling agents which have been dynamically selected for inclusion on the destination list.

What is explicitly set forth in all of the pending claims, as amended, is a system, device and method for performing steps of multicasting a user retrieval request to more than one mobile request handling destination agent, by receiving the request

JA998-075

message, dynamically creating a list of destinations for responding to the retrieval request, said dynamic creating being based on the request and the preferential destination information and/or messaging policy, and sending the request message to the determined mobile request handling destination agents for responding to the retrieval request. Applicants respectfully assert that the West patent does not anticipate that claim language.

It is well established under U.S. Patent Law that, for a reference to anticipate claims under 35 USC § 102, the reference must teach each and every claim feature. Since the West patent does not teach the receiving of a retrieval request with preferential destination information for delivery to more than one determined mobile request handling destination agent, does not teach the use of preferential destination information for dynamically creating a list of destinations comprising more than one mobile agent for responding to the retrieval request, and does not teach the sending of the retrieval request to more than one mobile request handling agent on the destination list for responding to the retrieval request, it cannot be maintained that West anticipates the invention as set forth in independent Claims 1, 10, 15, 19 and 20. Furthermore, Applicants assert that a reference which does not anticipate the independent claims cannot be said to anticipate those claims which depend from the independent claims and which add limitations thereto. Therefore, JA998-075

the language of Claims 2-9, 11-14, and 16-18 is not anticipated by the West patent. Accordingly, Applicants respectfully request withdrawal of the anticipation rejections.

Based on the foregoing amendments and remarks, Applicants request entry of the amendments, withdrawal of the rejections, and issuance of the claims.

Respectfully submitted,
Y. Nakamura, et al

By: Anne Vachon Dougherty
Anne Vachon Dougherty
Registration No. 30,374

3173 Cedar Road
Yorktown Heights, NY 10598
Tel. (914) 962-5910

JA998-075

15